



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Washington DC, 20004

In Reply Refer To:
FWS/AES/DCC/BDFS/078766

Attorney General Bridget Hill
Special Assistant Attorney General Jay Jerde
Office of the Attorney General
Administrative Division
109 State Capitol
Cheyenne, Wyoming 82002-001

Dear Attorney General Hill and Special Assistant Attorney General Jerde:

We received your March 8, 2023, letter stating your intent to sue us for violating the Endangered Species Act by allegedly failing to make a final determination on the merits of Wyoming's petition to establish the Greater Yellowstone Ecosystem (GYE) Grizzly Bear Distinct Population Segment (DPS) and remove the GYE DPS from the list of threatened species under the Endangered Species Act (Act).

We received your petition on January 21, 2022. Your petition asserted that the GYE is both discrete and significant, the GYE demographic recovery criteria have been met since 2003, the GYE grizzly bear population's range has expanded, and the GYE habitat-based recovery criteria have been met. We also received two other petitions: one from the State of Idaho to delist the lower-48 states entity, and one from the State of Montana to designate and delist the Northern Continental Divide Ecosystem (NCDE) DPS.

We published our findings on each of the three petitions on February 6, 2023 (88 FR 7659). We found that Wyoming's petition presented substantial scientific or commercial information indicating that revision of the listed entity, the grizzly bear in the lower-48 states, by designating a GYE DPS and delisting the DPS, may be warranted. We found that Montana's petition also presented substantial information that the NCDE may qualify as a DPS, that the petition presented substantial information that the population size and trends have improved, and that threats have been reduced in the NCDE such that the population may no longer meet the definition of a threatened species under the Act. We found that Idaho's petition did not present substantial, credible information that the grizzly bear in the lower-48 States is not a valid "species" as defined by the Endangered Species Act. Accordingly, we will not take further action on Idaho's petition (88 FR 7659).

Based on the petitions from Wyoming and Montana, we have initiated a status review. We requested the public submit new scientific and commercial data and other information pertaining

to the grizzly bear in the NCDE and GYE to ensure the status review is comprehensive. We specifically welcome new information and data from the State of Wyoming so that our decisions are fully informed. You can provide any relevant information electronically through the Federal eRulemaking Portal at <https://www.regulations.gov> or by hard copy through U.S. mail to Public Comments Processing, Attn: FWS-R6-ES-2022-0150, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We appreciate Wyoming's ongoing commitment to grizzly bear recovery. If you have any questions or if you wish to discuss this matter further, please contact Rachel London, Manager, Branch of Delisting and Foreign Species, at 703-358-2491 or Rachel_London@fws.gov.

Sincerely,

**GARY
FRAZER**

Digitally signed by
GARY FRAZER
Date: 2023.05.08
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Gary Frazer
Assistant Director for
Ecological Services